

Adopted	Rejected
---------	----------

## COMMITTEE REPORT

YES: 11

NO: 3

### MR. SPEAKER:

*Your Committee on Education, to which was referred House Bill 1246, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Delete everything after the enacting clause and insert the following:

2 SECTION 1. IC 3-5-2-48 IS AMENDED TO READ AS FOLLOWS

3 [EFFECTIVE UPON PASSAGE]: Sec. 48. "State office" refers to

4 governor, lieutenant governor, secretary of state, auditor of state,

5 treasurer of state, ~~superintendent of public instruction, member of the~~

6 **Indiana state board of education**, attorney general, justice of the

7 supreme court, judge of the court of appeals, judge of the tax court,

8 and clerk of the supreme court.

9 SECTION 2. IC 3-8-1-33 IS AMENDED TO READ AS FOLLOWS

10 [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) A candidate for an office

11 listed in subsection (b) must file a statement of economic interests.

12 (b) Whenever a candidate for any of the following offices is also

13 required to file a declaration of candidacy or is nominated by petition,

14 the candidate shall file a statement of economic interests before filing

15 the declaration of candidacy or declaration of intent to be a write-in

candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

(1) Governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, and ~~state superintendent of public instruction~~, **member of the Indiana state board of education**, in accordance with IC 4-2-6-8.

(2) Senator and representative in the general assembly, in accordance with IC 2-2.1-3-2.

(3) Justice of the supreme court, clerk of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, judge of a county court, judge of a probate court, and prosecuting attorney, in accordance with IC 33-2.1-8-6 and IC 33-2.1-8-7.

SECTION 3. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A political party shall conduct a state convention to nominate the candidates of the political party for the following offices to be voted on at the next general election:

(1) Lieutenant governor.

(2) Secretary of state.

(3) Auditor of state.

(4) Treasurer of state.

(5) Attorney general.

~~(6) Superintendent of public instruction.~~

~~(7)~~ **(6)** Clerk of the supreme court.

(b) The convention shall also:

(1) nominate candidates for presidential electors and alternate electors; and

(2) elect the delegates and alternate delegates to the national convention of the political party.

SECTION 4. IC 3-10-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The following public officials shall be elected in ~~2000~~ **2004** and every four (4) years thereafter:

(1) Governor.

(2) Lieutenant governor.

(3) Attorney general.

(4) ~~Superintendent of public instruction.~~ **Members of the  
Indiana state board of education.**

SECTION 5. IC 3-11-2-12 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The following  
offices shall be placed on the general election ballot in the following  
order:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

~~(H) Superintendent of public instruction.~~

~~(H)~~ (H) Clerk of the supreme court.

~~(I)~~ (I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified  
under IC 33, with each division separate if there is more than  
one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified  
under IC 33, with each division separate if there is more than  
one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as  
required by IC 33-10.5-4-2.

(E) Prosecuting attorney.

(F) Clerk of the circuit court.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

- 1 (E) County coroner.
- 2 (F) County surveyor.
- 3 (G) County assessor.
- 4 (H) County commissioner.
- 5 (I) County council member.
- 6 (5) Township offices:
  - 7 (A) Township assessor.
  - 8 (B) Township trustee.
  - 9 (C) Township board member.
  - 10 (D) Judge of the small claims court.
  - 11 (E) Constable of the small claims court.
- 12 (6) City offices:
  - 13 (A) Mayor.
  - 14 (B) Clerk or clerk-treasurer.
  - 15 (C) Judge of the city court.
  - 16 (D) City-county council member or common council member.
- 17 (7) Town offices:
  - 18 (A) Clerk-treasurer.
  - 19 (B) Judge of the town court.
  - 20 (C) Town council member.
- 21 SECTION 6. IC 3-11-2-12.8 IS ADDED TO THE INDIANA CODE
- 22 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
- 23 PASSAGE]: **Sec. 12.8. The office of member of the Indiana state**
- 24 **board of education shall be placed on the general election ballot**
- 25 **after the offices described in section 12 of this chapter.**
- 26 (b) **The office of member of the Indiana state board of**
- 27 **education shall be placed in a separate column on the ballot or**
- 28 **ballot label if voting is by paper ballot, ballot card voting system,**
- 29 **or electronic voting system, or in a separate column of ballot**
- 30 **labels if voting is by voting machine.**
- 31 (c) **This subsection applies to voting done by paper ballot or a**
- 32 **ballot card voting system. If the ballot contains a candidate for a**
- 33 **member of the Indiana state board of education, the ballot must**
- 34 **also contain a statement that reads substantially as follows: "To**
- 35 **vote for a candidate for this office, make a voting mark on or in**
- 36 **the square to the left of the candidate's name."**

SECTION 7. IC 3-11-2-12.9, AS ADDED BY P.L.83-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at the general election shall be placed on the general election ballot after the offices described in ~~section 12~~ **section 12.8** of this chapter.

(b) School board offices shall be placed in a separate column on the ballot or ballot label if voting is by paper ballot, ballot card voting system, or electronic voting system or in a separate column of ballot labels if voting is by voting machine.

(c) This subsection applies to voting done by paper ballot or a ballot card voting system. If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."

SECTION 8. IC 4-2-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The salary of the elected officials of the state is as follows:

(1) For the governor, ~~the following salary:~~

~~(A) Before January 8, 2001, seventy-seven thousand two hundred dollars (\$77,200) per year.~~

~~(B) After January 7, 2001, ninety-five thousand dollars (\$95,000) per year.~~

(2) For the lieutenant governor, ~~the following salary:~~

~~(A) Before January 8, 2001, sixty-four thousand dollars (\$64,000) per year.~~

~~(B) After January 7, 2001, seventy-six thousand dollars (\$76,000) per year.~~

However, the lieutenant governor is not entitled to receive per diem allowance for performance of duties as president of the senate.

(3) For the secretary of state, ~~the following salary:~~

~~(A) Before January 1, 1999, forty-six thousand dollars (\$46,000) per year.~~

~~(B) After December 31, 1998, sixty-six thousand dollars (\$66,000) per year.~~

(4) For the auditor of state, ~~the following salary:~~

~~(A) Before December 1, 1998, forty-six thousand dollars~~

- 1           ~~(\$46,000) per year.~~
- 2           ~~(B) After November 30, 1998,~~ sixty-six thousand dollars
- 3           ~~(\$66,000) per year.~~
- 4       (5) For the treasurer of state, ~~the following salary:~~
- 5           ~~(A) Before February 10, 1999, forty-six thousand dollars~~
- 6           ~~(\$46,000) per year.~~
- 7           ~~(B) After February 9, 1999,~~ sixty-six thousand dollars
- 8           ~~(\$66,000) per year.~~
- 9       (6) For the attorney general, ~~the following salary:~~
- 10          ~~(A) Before January 1, 1999, fifty-nine thousand two hundred~~
- 11          ~~dollars (\$59,200) per year.~~
- 12          ~~(B) After December 31, 1998,~~ seventy-nine thousand four
- 13          ~~hundred dollars (\$79,400) per year.~~
- 14       (7) For the clerk of the supreme court, ~~the following salary:~~
- 15          ~~(A) Before January 1, 1999, thirty-eight thousand dollars~~
- 16          ~~(\$38,000) per year.~~
- 17          ~~(B) After December 31, 1998,~~ sixty thousand dollars (\$60,000)
- 18          ~~per year.~~
- 19       (8) For the state superintendent of public instruction, ~~the following~~
- 20       ~~salary:~~
- 21          ~~(A) Before January 1, 1999, sixty-three thousand one hundred~~
- 22          ~~dollars (\$63,100) per year.~~
- 23          ~~(B) After December 31, 1998, before January 10, 2005,~~
- 24          ~~seventy-nine thousand four hundred dollars (\$79,400) per year.~~
- 25       SECTION 9. IC 4-2-6-8, AS AMENDED BY P.L.44-2001,
- 26       SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27       UPON PASSAGE]: Sec. 8. (a) The following persons shall file a written
- 28       financial disclosure statement:
- 29           (1) The governor, lieutenant governor, secretary of state, auditor
- 30           of state, treasurer of state, attorney general and ~~state~~
- 31           ~~superintendent of public instruction. each member of the~~
- 32           **Indiana state board of education.**
- 33           (2) Any candidate for one (1) of the offices in subdivision (1) who
- 34           is not the holder of one (1) of those offices.
- 35           (3) Any person who is the appointing authority of an agency.
- 36           (4) The director of each division of the department of
- 37           administration.

(5) Any purchasing agent within the procurement division of the department of administration.

(6) An employee required to do so by rule adopted by the commission.

(b) The statement shall be filed with the commission as follows:

(1) Not later than February 1 of every year, in the case of the state officers and employees enumerated in subsection (a).

(2) Before filing a declaration of candidacy under IC 3-8-2, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5, or before a certificate of nomination is filed under IC 3-8-7-8, in the case of a candidate for one (1) of the state offices.

(3) Not later than sixty (60) days after employment or taking office, unless the previous employment or office required the filing of a statement under this section.

(4) Not later than thirty (30) days after leaving employment or office, unless the subsequent employment or office requires the filing of a statement under this section.

The statement must be made under affirmation.

(c) The statement shall set forth the following information for the preceding calendar year or, in the case of a state officer or employee who leaves office or employment, the period since a previous statement was filed:

(1) The name and address of any person known:

(A) to have a business relationship with the agency of the state officer or employee or the office sought by the candidate; and

(B) from whom the state officer, candidate, or the employee, or that individual's spouse or unemancipated children received a gift or gifts having a total fair market value in excess of one hundred dollars (\$100).

(2) The location of all real property in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children has an equitable or legal interest either amounting to five thousand dollars (\$5,000) or more or comprising ten percent (10%) of the state officer's, candidate's, or the employee's net worth or the net worth of that individual's spouse or unemancipated children. An individual's primary

1 personal residence need not be listed, unless it also serves as  
2 income property.

3 (3) The names and the nature of the business of the employers of  
4 the state officer, candidate, or the employee and that individual's  
5 spouse.

6 (4) The following information about any sole proprietorship  
7 owned or professional practice operated by the state officer,  
8 candidate, or the employee or that individual's spouse:

9 (A) The name of the sole proprietorship or professional  
10 practice.

11 (B) The nature of the business.

12 (C) Whether any clients are known to have had a business  
13 relationship with the agency of the state officer or employee or  
14 the office sought by the candidate.

15 (D) The name of any client or customer from whom the state  
16 officer, candidate, employee, or that individual's spouse  
17 received more than thirty-three percent (33%) of the state  
18 officer's, candidate's, employee's, or that individual's spouse's  
19 nonstate income in a year.

20 (5) The name of any partnership of which the state officer,  
21 candidate, or the employee or that individual's spouse is a member  
22 and the nature of the partnership's business.

23 (6) The name of any corporation (other than a church) of which  
24 the state officer, candidate, or the employee or that individual's  
25 spouse is an officer or a director and the nature of the  
26 corporation's business.

27 (7) The name of any corporation in which the state officer,  
28 candidate, or the employee or that individual's spouse or  
29 unemancipated children own stock or stock options having a fair  
30 market value in excess of ten thousand dollars (\$10,000). A time  
31 or demand deposit in a financial institution or insurance policy  
32 need not be listed.

33 (8) The name and address of the most recent former employer.

34 (9) Additional information that the person making the disclosure  
35 chooses to include.

36 Any such state officer, candidate, or employee may file an amended  
37 statement upon discovery of additional information required to be



1 reported.

2 (d) A person who:

3 (1) fails to file a statement required by rule or this section in a  
4 timely manner; or

5 (2) files a deficient statement;

6 upon a majority vote of the commission, is subject to a civil penalty at  
7 a rate of not more than ten dollars (\$10) for each day the statement  
8 remains delinquent or deficient. The maximum penalty under this  
9 subsection is one thousand dollars (\$1,000).

10 (e) A person who intentionally or knowingly files a false statement  
11 commits a Class A infraction.

12 SECTION 10. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

14 (1) "Agency" means any executive or administrative department,  
15 commission, council, board, bureau, division, service, office, officer,  
16 administration, or other establishment in the executive or administrative  
17 branch of the state government not provided for by the constitution.  
18 The term "agency" does not include the secretary of state, the auditor  
19 of state, the treasurer of state, the lieutenant governor, the state  
20 superintendent of public instruction **before January 10, 2005**, and the  
21 attorney general, nor the departments of which they are, by the statutes  
22 first adopted setting out their duties, the administrative heads.

23 (2) "Reorganization" means:

24 (A) the transfer of the whole or any part of any agency, or of the  
25 whole or any part of the functions thereof, to the jurisdiction and  
26 control of any other agency;

27 (B) the abolition of all or any part of the functions of any agency;

28 (C) the consolidation or coordination of the whole or any part of  
29 any agency, or of the whole or any part of the functions thereof,  
30 with the whole or any part of any other agency or the functions  
31 thereof;

32 (D) the consolidation or coordination of any part of any agency or  
33 the functions thereof with any other part of the same agency or  
34 the functions thereof;

35 (E) the authorization of any officer to delegate any of his  
36 functions; or

37 (F) the abolition of the whole or any part of any agency which

agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

SECTION 11. IC 5-14-3-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) As used in this section, "state agency" has the meaning set forth in IC 4-13-1-1. The term does not include the office of the following elected state officials:

(1) Secretary of state.

(2) Auditor.

(3) Treasurer.

(4) Attorney general.

(5) **Before January 10, 2005, the** superintendent of public instruction.

(6) Clerk of the Supreme Court.

However, each state office described in subdivisions (1) through (6) may use the computer gateway administered by the intelnet commission established under IC 5-21-2, subject to the requirements of this section.

(b) As an additional means of inspecting and copying public records, a state agency may provide enhanced access to public records maintained by the state agency.

(c) If the state agency has entered into a contract with a third party under which the state agency provides enhanced access to the person through the third party's computer gateway or otherwise, all of the following apply to the contract:

(1) The contract between the state agency and the third party must provide for the protection of public records in accordance with subsection (d).

(2) The contract between the state agency and the third party may provide for the payment of a reasonable fee to the state agency by either:

(A) the third party; or

(B) the person.

(d) A contract required by this section must provide that the person and the third party will not engage in the following:

(1) Unauthorized enhanced access to public records.

(2) Unauthorized alteration of public records.

1 (3) Disclosure of confidential public records.

2 (e) A state agency shall provide enhanced access to public records  
3 only through the computer gateway administered by the intelenet  
4 commission established under IC 5-21-2, except as permitted by the  
5 data process oversight commission established under IC 4-23-16-1.

6 SECTION 12. IC 6-1.1-19-4.1, AS AMENDED BY P.L.90-2002,  
7 SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: Sec. 4.1. (a) To assist the department of local  
9 government finance in deciding the merits of any appeal filed under  
10 IC 6-1.1-17 or under this chapter with the department by, or in respect  
11 of, any school corporation, there is established the school property tax  
12 control board. This board shall consist of five (5) voting members and  
13 two (2) ex officio nonvoting members. In addition, the school property  
14 tax control board may include not more than four (4) additional voting  
15 members who shall be appointed as follows:

16 (1) One (1) member is to be appointed by the president pro  
17 tempore of the senate and must be a business official of a school  
18 corporation who is not employed by a school corporation that is  
19 undergoing a construction project.

20 (2) One (1) member is to be appointed by the president pro  
21 tempore of the senate and must be an engineer knowledgeable in  
22 the construction of school buildings but who is not actively  
23 employed by an engineering firm that is involved in a school  
24 building construction project or who is not otherwise a party to a  
25 contract for engineering services for a school building  
26 construction project.

27 (3) One (1) member is to be appointed by the speaker of the house  
28 of representatives and must be an architect knowledgeable in the  
29 design of school buildings but who is not actively employed by an  
30 architectural firm that is involved in a school building construction  
31 project or who is not otherwise a party to a contract for  
32 architectural services for a school building construction project.

33 (4) One (1) member is to be appointed by the speaker of the house  
34 of representatives and must be a financial adviser who is not  
35 actively employed as a financial adviser to a school corporation  
36 that is involved in a school building construction project or who  
37 is not otherwise a party to a contract for financial advisory

1 services for a school building construction project.

2 Of the mandatory five (5) voting members, one (1) shall be appointed  
 3 by the state board of accounts, one (1) shall be appointed by the  
 4 department of local government finance, and three (3) shall be  
 5 appointed by the governor. ~~The governor may seek the recommendation~~  
 6 ~~of the state superintendent of public instruction with regard to one (1)~~  
 7 ~~of the governor's appointments. Each of the remaining~~ Two (2) of the  
 8 governor's appointees must be a citizen of Indiana who neither holds an  
 9 elective or appointive office in the government of the state nor is  
 10 regularly employed by the state. Each of the mandatory five (5) voting  
 11 members and any additional voting members who may be appointed  
 12 serves at the will of the appointing board or person. The speaker of the  
 13 house of representatives shall appoint one (1) member of the house as  
 14 one (1) of the ex officio nonvoting members of the tax control board.  
 15 The president pro tempore of the senate shall appoint one (1) senator as  
 16 the other ex officio nonvoting member of the tax control board. Each  
 17 of the ex officio nonvoting members of the tax control board shall serve  
 18 at the will of the appointing officer. A vacancy in the membership of the  
 19 tax control board shall be filled by the appointing authority who made  
 20 the appointment to the seat that is vacated. No member of the tax  
 21 control board shall receive compensation for services as such a  
 22 member, except as provided in subsections (g) and (h). Each of the  
 23 members of the tax control board shall, before proceeding to the  
 24 discharge of the member's duties as a member of the tax control board,  
 25 subscribe and swear to a writing declaring the member's intention to  
 26 support the Constitution of the United States and the Constitution of the  
 27 State of Indiana and the member's intention to faithfully, honestly, and  
 28 impartially discharge the member's duties as a member of the tax  
 29 control board.

30 (b) The tax control board shall meet, as business may require, in  
 31 rooms provided by the department of local government finance. The  
 32 department of local government finance shall provide the tax control  
 33 board with such staff and secretarial assistance as the tax control board  
 34 may reasonably require. At each organizational meeting of the tax  
 35 control board, which shall be held annually, the tax control board shall  
 36 elect one (1) of its members chairman and another secretary.

37 (c) The department of local government finance shall promptly

1 deliver to the tax control board every appeal petition that is filed under  
2 IC 6-1.1-17 or under this chapter with the department by, or in respect  
3 of, any school corporation. The department of local government finance  
4 shall also promptly deliver to the tax control board other materials  
5 related to the appeal petition as the department shall then or thereafter  
6 possess. Upon receiving an appeal petition, the tax control board shall  
7 proceed immediately to examine the petition and to consider the merits  
8 of the school corporation's appeal.

9 (d) The tax control board may conduct hearings on any appeal  
10 petition that is before the tax control board, and the tax control board  
11 may require any officer or member of the school corporation whose  
12 appeal petition is under consideration by the tax control board to appear  
13 before the tax control board or to produce, before the tax control board,  
14 any books and records that the tax control board considers pertinent to  
15 the appeal, or both.

16 (e) If an officer or a member fails or refuses to appear at a hearing  
17 of the tax control board after having been given a written notice from  
18 the tax control board requiring the officer's or member's attendance, or  
19 fails or refuses to produce for the tax control board's use the books and  
20 records that the tax control board has, by written notice, required the  
21 officer or member to produce, the tax control board may file an  
22 affidavit in the circuit court in which jurisdiction of the person of the  
23 officer or member may be had, setting forth the facts of the failure or  
24 refusal. Upon the filing of the affidavit, the circuit court shall promptly  
25 issue a summons, and the sheriff of the county within which the circuit  
26 court is sitting shall serve the summons. The summons shall command  
27 the officer or member to appear before the tax control board, to provide  
28 information to the tax control board, or to produce books and records  
29 for the tax control board's use, as the case may be. Disobedience of the  
30 summons is punishable as a contempt of the circuit court that issued  
31 the summons.

32 (f) All expenses incident to the filing of the affidavit and the issuance  
33 and service of the summons under this section shall be charged to the  
34 officer or member against whom the summons is issued, unless the  
35 circuit court finds that the action of the officer or member was taken  
36 in good faith and with reasonable cause. If the court finds that the  
37 officer or member acted in good faith and with reasonable cause or if

an affidavit has been filed without the issuance of a summons, the expenses shall:

(1) be charged against the county in which the affidavit has been filed; and

(2) be allowed by the proper fiscal officers of that county.

(g) Each member of the tax control board who is not a state employee is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the tax control board who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 13. IC 20-1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The Indiana state board of education is established.

(b) The board ~~shall consist~~ consists of ~~ten (10)~~ the following members: ~~appointed by the governor and~~

(1) The state superintendent of public instruction, **who serves as the chair of the state board.** ~~Of the ten (10) members appointed by the governor, a minimum of four (4) members must be persons who are actively employed in the schools in Indiana and who hold a valid teaching license. At least~~

(2) One (1) member ~~must be appointed~~ **elected** from each congressional district in Indiana ~~No more than six (6) members of the board may be appointed from the membership of any one (1) political party.~~ **on a nonpartisan basis in the year that an election for governor is held.**

(c) A quorum **of the state board** consists of six (6) members of the board, and an action of the board is not official unless it is authorized by at least six (6) members. ~~The superintendent of public instruction shall serve as chairman of the board. Appointed board members shall~~

1     ~~serve for~~

2           **(d) An elected board member serves** a term of four (4) years  
 3     ~~unless dismissed before the expiration of four (4) years by the governor~~  
 4     ~~for just cause. Any appointment to beginning January 1 after the~~  
 5     **member's election. The governor shall** fill a vacancy occurring on  
 6     the board ~~shall be~~ for the unexpired term **of the member whose**  
 7     **position is vacant.**

8           ~~(b)~~ **(e)** The superintendent of public instruction shall appoint six (6)  
 9     persons who shall serve on the advisory committee on textbook  
 10    adoption. The state superintendent of public instruction or ~~his~~ **the state**  
 11    **superintendent's** designee shall serve as a voting member of the  
 12    committee. At least four (4) of the members of the advisory committee  
 13    on textbook adoptions shall be actively employed in the schools in  
 14    Indiana and hold a valid teaching license. ~~No~~ **Not** more than four (4) of  
 15    the members of the committee may be appointed from the membership  
 16    of any one (1) political party. The state superintendent or ~~his~~ **the state**  
 17    **superintendent's** designee shall serve as chairman of the committee.  
 18    Committee members shall serve at the pleasure of the superintendent of  
 19    public instruction.

20           ~~(c)~~ **(f)** The board and the committee shall meet at such times as they  
 21    determine. ~~The terms of office of the appointive members of the board~~  
 22    ~~shall commence on July 1.~~

23           ~~(d)~~ **(g)** The board may establish other advisory committees as  
 24    necessary to provide technical and professional assistance to the board.

25           ~~(e)~~ **(h)** Whenever the board is required to conduct hearings under  
 26    IC 4-21.5-3, the board may use hearing examiners who are not  
 27    members of the board to conduct the hearings.

28           SECTION 14. IC 20-1-1-5 IS AMENDED TO READ AS  
 29    FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board  
 30    shall elect one (1) of its members to serve as secretary, who shall have  
 31    the custody of its records, papers, and effects, and shall keep minutes  
 32    of its proceedings. The records, papers, effects, and minutes of all  
 33    meetings and actions of the board shall be kept at the office of the state  
 34    superintendent of public instruction and shall be open for public  
 35    inspection. The board shall adopt and use a seal, on the face of which  
 36    shall be the words "Indiana State Board of Education". A written

description of the seal shall be recorded on the minutes of the board and filed in the office of the secretary of state. The seal shall be used for the authentication of the acts of the board and the important acts of the state department of education.

(b) ~~Appointive members~~ **An elected member** of the board who ~~are~~ **is** not ~~officers an officer or employees employee~~ of the state ~~are~~ **is** entitled to an annual salary of two thousand dollars (\$2,000). Appointive members of the advisory committees who are not officers or employees of the state are entitled to the minimum salary per diem provided in IC 4-10-11-2.1(b) while performing their respective duties as committee members. All members of the board or committees are entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with their duties as board or committee members, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency. The compensation of members employed in the public schools shall not be decreased because of regular service on the board or on one of the committees.

SECTION 15. IC 20-1-11.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **After January 9, 2005, the governor shall appoint the state** superintendent of public instruction. ~~shall be elected under IC 3-10-2-6 by the voters of the state.~~ The ~~term of office of the~~ superintendent ~~is four (4) years, beginning on the second Monday in January after election and continuing until a successor is elected and qualified.~~ **of public instruction serves at the pleasure of the governor for a salary fixed by the governor.**

SECTION 16. IC 20-1-20.5-4, AS AMENDED BY P.L.112-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The roundtable consists of the following members:

(1) A number of members appointed ~~jointly~~ by the governor. ~~and the superintendent of public instruction.~~ These members must be representatives of:

(A) business and community leaders;

(B) elementary and secondary education, including programs for exceptional learners (as defined in IC 20-10.2-2-5.5); and



1 (C) higher education.

2 The number of members appointed under clause (A) must be  
3 equal to the number of members appointed under clauses (B) and  
4 (C).

5 (2) Two (2) members appointed by the president pro tempore of  
6 the senate from different political parties.

7 (3) Two (2) members appointed by the speaker of the house of  
8 representatives from different political parties.

9 SECTION 17. IC 20-1-20.5-6, AS ADDED BY P.L.146-1999,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 UPON PASSAGE]: Sec. 6. (a) The ~~governor and the state~~  
12 superintendent of public instruction ~~shall jointly serve~~ serves as  
13 ~~cochairpersons chair~~ of the roundtable. The roundtable shall meet upon  
14 the call of the ~~cochairpersons~~ **chair**.

15 (b) A quorum of the roundtable must be present to conduct  
16 business. A quorum consists of a majority of the voting members  
17 appointed to the roundtable. The roundtable may not take an official  
18 action unless the official action has been approved by at least a majority  
19 of the voting members appointed to serve on the roundtable.

20 SECTION 18. IC 20-5.5-3-11, AS AMENDED BY P.L.1-2002,  
21 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 UPON PASSAGE]: Sec. 11. (a) This section applies if the sponsor  
23 rejects a proposal.

24 (b) The organizer may appeal the decision of the sponsor to the  
25 charter school review panel created under subsection (c).

26 (c) The charter school review panel is created. The members of the  
27 panel are **the following**:

- 28 (1) ~~the governor or~~ The governor's designee.
- 29 (2) The state superintendent of public instruction, who shall chair  
30 the panel.
- 31 (3) A member of the board appointed by the state superintendent  
32 of public instruction.
- 33 (4) A person with financial management experience appointed by  
34 the governor. ~~and~~
- 35 (5) A community leader with knowledge of charter school issues  
36 appointed ~~jointly~~ by the governor. ~~and the state superintendent of~~  
37 ~~public instruction.~~

Members shall serve a two (2) year term and may be reappointed to the panel upon expiration of their terms.

(d) All decisions of the panel shall be determined by a majority vote of the panel's members.

(e) Upon the request of an organizer, the panel shall meet to consider the organizer's proposal and the sponsor's reasons for rejecting the proposal. The panel must allow the organizer and sponsor to participate in the meeting.

(f) After the panel meets under subsection (e), the panel shall make one (1) of the following three (3) findings and issue the finding to the organizer and the sponsor:

(1) A finding that supports the sponsor's rejection of the proposal.

(2) A finding that:

(A) recommends that the organizer amend the proposal; and

(B) specifies the changes to be made in the proposal if the organizer elects to amend the proposal.

(3) A finding that approves the proposal.

The panel shall issue the finding not later than forty-five (45) days after the panel receives the request for review.

(g) If the panel makes a finding described in subsection (f)(1), the finding is final.

(h) If the panel makes a finding described in subsection (f)(2), the organizer may amend the proposal according to the panel's recommendations and resubmit the proposal directly to the panel.

(i) If the panel makes a finding described in subsection (f)(3), the proposal is considered conditionally approved. The approval shall be considered final upon the delivery to the panel of written notice from the organizer and an eligible sponsor, as identified in IC 20-5.5-1-15, that the sponsor has agreed to serve as a sponsor for the proposal approved by the panel.

(j) Proposals approved under this section shall not be counted under any numerical limits placed upon a sponsor or set of sponsors.

SECTION 19. IC 3-8-1-10.5 IS REPEALED [EFFECTIVE UPON PASSAGE].

**SECTION 20. An emergency is declared for this act.**

(Reference is to HB 1246 as introduced.)

**and when so amended that said bill do pass.**

---

Representative Porter